

1885-004 Chancery Causes: William H. Burnes vs. George W. Barker
Lee Co.

Burns

CA-Debt
T-Property

-Deed

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County Virginia

Humbly complaining your Orator William H. Burnes would respectfully show unto your Honor that on the 31st day of August 1881. he obtained a judgment in your Honors Court against one George W. Barker for the sum of \$75.00 with legal interest on \$50.00 part thereof from the 25th day of August 1873 and the like interest on \$25.00 the residue thereof from the 31st day of August 1881. till paid, and the costs of suit amounting to \$8.36. a copy of which judgment is herewith filed marked (A) and is prayed to be considered as a part of this bill.

Your Orator further states, that on said judgment sundry executions were issued, which have proved unavailing, and upon the one issued thereon dated January the 2nd 1882 a copy of which is herewith filed marked (B). Francis Miles deputy for Thomas S. Ely sheriff of Lee County has made return thereon, "No property found;" so that the said George W. Barker has no personal property out of which said judgment can now be made & all of which is now due and owing to your Orator. no part thereof having at any time been paid to him by said Barker or any one else for him.

Your Orator further states. that by deed bearing date Sept. the 4th 1878 one James W. Orr as a Commissioner of your Honors Court conveyed to said George W. Barker a certain tract or parcel of land lying and being in said County of Lee on the head waters of Wallens Creek containing 300 acres more or less, and more particularly described in said

deed of conveyance, a copy of which is herewith filed
marked (C.) which is prayed to be considered and treated
as a further part of this bill: out of the land so conveyed
to him, your Orator states that said Barker by deed dated
August the 6th 1881, ~~and Barker~~ conveyed to John^P & Mary
Hammonds one hundred acres thereof so that at the time
said judgment was rendered against him said Barker
was the owner in fee of the residue of the tract conveyed to
him by said Or. Beyond the 100 acres so conveyed to said Hammonds.

Your Orator further states that said judgment was rendered
on two bonds executed to him by said Barker in, and by the
terms of each, the said Barker waived the benefit of his limited
exemption, and your Orator further alleges that his said
judgment constitutes a valid and subsisting lien on all the
real estate of said Barker from the day it was so rendered
until now, and ^{is} still a valid and unpaid lien in as way
satisfied or impaired, and your Orator further alleges
that the rents and profits of the 200 acres of land now
owned by said Barker will not in five years pay the
judgment due your Orator, The premises considered
your Honor will see that your Orator is without an adequate
remedy at law, and relievable only in a Court of equity
where liens such as this are regularly enforced and legally
enforceable, and to obtain such relief at your Honor's hands is
the object of this bill. The prayer of your Orator therefore is
that said George W. Barker be made the party defendant
to this bill and be required to answer the statements thereof
on oath, that upon a hearing of the cause, the lien of said

judgment be enforced by a decree for the sale of so much of
said land as will pay and satisfy the same principal &
interest and costs of suit at law, and the costs of this suit.

And if your orator is in any wise mistaken in this his
Special prayer, then he prays for all general relief such
as a court of equity can grant in the premises. May the
Commonwealths writ of Habeas Corpus issue directed to

Ayers & Morgan

to 4.5-7 to Aug
 6 .50
 S 50
 15.00 to June 1884
 1.24 " " 1885
 72. " " 1885
 76 " Mr. 1885
 \$23.29

67.29 -

William H. Barnes

vs. Bill in Chy

George W. Barker

1882, Mr. 20 Bill Filed

" June - Spa. Exd, & Decree nisi

" July - O. N. Confid. and set
for hearing by Plff -

1882 Aug Decree & cont'd.

" Mar. Cont'd.

1883, Mr. Aug & Decree

1884 Mr. Aug & Decree cont'd

1885. Mr. Decree final

W. H. Barnes

vs.

Geo W. Barker

Peff

Deft.

In Chy

The Peffs attorney announcing in open court that the judgment at law, to enforce which this suit was brought, had been fully paid by the deft. with all costs. It is therefore ordered that the parties be dismissed & the cause stricken from the docket.

W. H. Buena

as } Decmbr 2 final

George W. Barker

March Term 1885.

Entered page 418.

J. A. Hyatt & Co.

Entered this

March 25/85.

J. A. K.

Wm H. Barnes

Peff

vs.

George W. Barker

Deft

} In Lohy

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken as confessed by the deft, and was argued by counsel. On consideration of the matters of the bill, it appears to the court that the plaintiff has a lien on the defendants land described in exhibit (C) with the bill for \$83.36 with interest on \$50.00 part thereof from the 25th day of Aug. 1873 and the like interest on \$25.00 another part thereof from the 31st day of Aug. 1881. Till paid, Subject to a credit paid since the institution of this suit, as admitted by the counsel of the plaintiff of \$30.00 paid June 20th 1882. It is adjudged ordered and decreed that the Peff recover of the deft. the costs of this suit, and that said lien be enforced by a sale of so much of the defendants land as will pay the same (unless the same be paid within 20 days after this court shall again and costs of suit, by selling the same at public outcry to the highest bidder at the court house of Lee county on some court day for cash in hand, after the same shall have been advertised 30 days showing the time, terms and place of sale, and Henry J. Morgan is appointed a special comr. to execute this decree of sale who will report his action to the court and the cause is continued.

Wm H. Barnes

vs { Decease No 1
G M Barker

Entered Page 269

J. A. Hyatt
Clerk

Enter
J. A. Hyatt
Sept 4/
82

Virginia

At a Circuit Court Continued and Held for Lee
County at the Court House thereof August 31st 1881.
Wm H. Burns Plaintiff }
vs } In Debt
George W. Barker Defendant }

The Defendant not appearing, it is
Considered by the Court, that the Judgment
obtained against him, in the Clerk's Office
for \$75.00 the debts in the declaration
mentioned with legal interest on \$30.00
part thereof from the 25th day of August
1873, and on \$25.00 the residue thereof
from the 31st day of August 1881, the
residue thereof from the 31st until
paid and the Cost be made final.

A Copy Dated

J. A. Hyatt
Clerk

Late Co. 2.16
Clerk's Office 25
6 2.95
2 2.50
8 50
\$8.36

1882 June 20 By cash \$30.00 Receipt given
" Nov. 19 By cash \$5.00 " "

Wm H Burns
vs 3 Copy of J. H. T.
Geo. W. Barker

(A)

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF LEE COUNTY GREETING:

We Command You that of the Goods and Chattles of

George W. Barker
\$50.00 part thereof

Late in your Baliwick you cause to be made \$ *50.00* with legal interest thereon from the *16th* day of *August* *1873* till payment which *and on \$26.00 the residue thereof from the 31st August 1881.*

Lately in our Circuit Court of Lee County has recovered against *him* suit for *Debt*
also \$ *8.36* which to the said *Burns*

in our Court were adjudged for *his* costs in that behalf expended whereof the said *Barker is*

Convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the Courthouse on the first monday in *March next* to render to the said *Burns*

of the *Debt* and costs as aforesaid.

And have then there this writ- Witness JOHN A. G. HYATT Clerk of our said court at the courthouse this *9th* day of *January* 188 *2* in the 10 *6* year of the Commonwealth.

J. A. G. Hyatt Clerk.

Orn 2.16
to 6 26-
6298-
23-0
3 18.06

Copy Lists

J. A. G. Hyatt Clerk

180) Circ (B)

M. H. Burns

vs 3 Hi Ha

Geo. W. Barker

To March Rules 1882

No Property found

J. Miles O S
for J. S. Ely & L & C

A copy sent

J. A. Hyatt
Clerk

(B)

This Deed made this 4th day of September
1878, between James W. Orr Commissioner of
the Circuit Court of Lee County Virginia,
of the one part, and George W. Barker of
the other part, both of Lee County Virginia,
Witnesseth, that pursuant to a decree of said
court, ^{rendered} on the 22nd day of September 1878, in the
chancery cause of W^m W. Sage Administrator against
John Lylo et als, the said commissioner for and
in consideration of the sum of one dollar in
hand paid the receipt of which is hereby
acknowledged, doth grant and convey, with
covenants of special warranty only, unto
the said George W. Barker the tract of land
sold by W^m W. Sage, Commissioner in said cause
to said Barker on the 22nd day of November 1871,
said tract of land lying and being in Lee
County Virginia, North of Stickleyville and
on the South Side of Waller's Ridge, and contain-
ing three hundred acres more or less, and
bounded as follows to wit Beginning on a
Chestnut and white Oak corner to the Givens
land, thence South 30 E 261 poles to a white
Oak S 54 W 156 poles to a white oak on the dry
branch S 77 W, 172 poles passing a Spruce pine
corner to the land formerly belonging to
Vincent Lowe at 66 poles to a stake, North
25 E 398 to the Beginning,

To have and to hold said tract or parcel of land unto the said George W. Barker and his heirs forever, with covenants aforesaid, except so much of said land as the said Barker has sold to Granville B. Duff and to the extent the said Barker is to hold the land hereby conveyed in Trust for the benefit of said Duff, witness the following signature and seal,

James W. Orr, Comr, Seal

Virginia Lee County to wit:

The foregoing deed from James W. Orr Commissioner of the one part, to George W. Barker of the other part, both of Lee County Virginia, was this day acknowledged before me by said Orr, to be his act and deed, as commissioner, for the purposes therein mentioned, Given under my hand Sept, 4th 1878.

Charles Willoughby J.P.

Virginia Lee County Court Clerk's office March 11th 1881

The foregoing deed bearing date on the fourth day of Sept, 1878 from James W. Orr Commissioner of the one part, to George W. Barker of the other part, both of Lee County Virginia, was this day admitted to record upon the certificate of Charles Willoughby J.P.

Lester John C. Orr D.C.

Attest John R. Gibson clerk,

George W. Barker
From Seed copy,
Jas. W. Orr Comr
Recorded in Seed
Book No 19 P. 273
J. R. Gibson Clerk

6

Fee for this copy 50¢

Barbours died to Mary & Joe D. Hammonds
dated Aug 6 1881

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

George W. Barker

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in
June next, being rule day to answer a bill in Chancery, exhibited in our said Court against

him by

Wm H. Burns

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this *19* day of *May* 1882; in the *106* year of the Commonwealth.

J. A. G. Hyatt CLERK,

Am

Wm. H. Burns

vs Spain Chy

George W. Barker

Lo June Rules 1882

Executed by deliv
ing a copy of the
within to the deft
June 2nd 1882
H. Miles D.S.

Chd 42

688

Standing No. 882

-IN-

LEE CIRCUIT COURT.

Ppfs ATTY.		Def's ATTY.
<i>Am</i>	<i>Mr. A. Burns</i>	
Ppfs costs		Def's costs.
<i>6</i> \$7.25	vs. { Bill in	\$
<i>0.50</i>	{ Chancery.	
<i>1.50</i>	<i>Geo. W. Barker</i>	
<i>8</i> 2.25		
Total \$23.29		\$

Reference Docket 1 Page 12 Line 26

1st calling Term 188

Decided March Term 188